

### **REMARKS/ARGUMENTS**

The Decision on Appeal of August 19, 2010, has been carefully reviewed and these remarks are responsive thereto. Claims 1-4, 7-9, 12-29, and 32-37 have been amended to simplify the claim preambles. New claims 48-50 have been added. Claims 1-50 thus remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Based on Leung***

Claims 1-4, 9, 10, 12-15, 18, 19, 23-26, 29, 30, 34, 37-40, 43 and 47 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. Pub. No. 2002/0142757, hereinafter Leung.

Claims 5, 6, 11, 20-22, 31-33 and 44-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. Pub. No. 2002/0142757, hereinafter Leung, in view of U.S. Pat. No. 6,519,455, hereinafter McCormick.

Claims 7, 16, 27, 35 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. Pub. No. 2002/0142757, hereinafter Leung, in view of Official Notice.

Claims 8, 17, 28, 36 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. Pub. No. 2002/0142757, hereinafter Leung, in view of U.S. Pat. Pub. No. 2001/0036834, hereinafter Das.

*Leung is not supported by its provisional filing for the aspects relied upon by the Office in rejecting the claims.*

The Final Office Action mailed October 18, 2005 (hereinafter referred to as *Office Action*), rejects claims 1-4, 9, 10, 12-15, 18, 19, 23-26, 29, 30, 34, 37-40, 43, and 47 under 35 U.S.C. § 102(e) as allegedly anticipated by *Leung*. *Leung* was filed August 20, 2001, claiming priority to provisional application 60/279,970, filed March 28, 2001.

On June 2, 2004, Applicants submitted a Declaration Under 37 C.F.R. § 1.131, establishing a date of invention prior to October 11, 2001. On October 1, 2004, Applicants submitted a Second Declaration Under 37 C.F.R. § 1.131, establishing a date of invention prior to August 20, 2001. Thereafter, the examiner dropped the rejections then pending, evidently accepting that the

declaration was effective. Leung was filed on August 20, 2001, and is therefore valid as a reference only insofar as it is supported by the provisional application filed March 28, 2001, i.e., Leung paragraphs [0087]-[0089] are only prior art if they are supported by the provisional application. Without conceding whether or not the Leung published application does or does not anticipate any claims, a review of the provisional application reveals a lack of support for the sections of the Leung published application cited by the examiner, i.e., there is no support in the provisional application at least for paragraphs [0087]-[0089] of the cited Leung reference, or for any other portion of the Leung reference that would allegedly support a rejection of the claims. Leung therefore does not anticipate any claim.

More specifically, the provisional Leung application does not include any of the parameters cited by the examiner. For example, the provisional Leung application does not teach or even suggest the parameter NUM\_NGHR or any equivalent; the provisional Leung application does not teach or even suggest the parameter FBSCH\_SHO\_SUPPORTED or its equivalent; the provisional Leung application does not teach or even suggest the parameter NGHR\_PN or its equivalent; the provisional Leung application does not teach or even suggest the parameter NGHR\_FBSCH\_CODE\_CHAN or its equivalent; and the provisional Leung application does not teach or even suggest the parameter NGHR\_FBSCH\_CODE\_CHAN\_INCL or its equivalent.

The most relevant portion of the provisional application appears to be section 3.9: Soft Handoff, on page 3-20 of the provisional application. As indicated above, section 3.9 does not teach or suggest any of the parameters relied upon in the Office Action. Instead, the Leung provisional application merely describes a system where multiple *sectors* operated by the same base station synchronously transmit the same information. The provisional Leung application further states that, when a “[mobile station] performs Idle Handoff to a new *sector*, if the *sector* is not part of the [soft handoff] group of the *sector* the [mobile station] was previously monitoring, then the [mobile station] needs to determine the new [soft handoff] group from the overhead message on this new *sector*” (emphasis added). There are multiple sectors within a given *cell*. The provisional Leung application therefore does not anticipate any independent claim, e.g., because Leung does not teach or suggest receiving from a base station corresponding to the first *cell*, a broadcast message

communicating multicast session information for a plurality of cells comprising the first *cell* and a second *cell*.

Section 3.9 of the provisional Leung application is reproduced, in relevant part, below:

### 3.9 Soft Handoff

The goal is to put the high-speed broadcast channel into soft handoff, i.e. the BS involved in SHO shall synchronously transmit the same broadcast information on the F-BSCH. The MS shall be able to perform autonomous soft handoff. This implies that:

- BS does not dynamically assign the F-BSCH Active Set to the mobile station (obviously)
- Overhead messages indicate the list of BS participating in SHO.

The overhead message transmitted in each sector will list the identities of BS that are part of the SHO group. By SHO group, we mean all BS transmitting the information synchronously. An MS may soft combine the transmissions from only the base stations belonging to the same SHO Group. This is similar to the SHO group proposed for QPCH SHO and F-CCCH SHO. Although it is desirable to have as many BS as possible in each SHO group to increase the effectiveness of SHO, this size may be restricted by the network effort required to synchronize the transmissions.

When the MS performs Idle Handoff to a new sector, if the sector is not part of the SHO group of the sector the MS was previously monitoring, then the MS needs to determine the new SHO group from the overhead message on this new sector. But the MS shall start to monitor the F-BSCH transmission from this new sector immediately upon performing Idle Handoff, to avoid any interruption in HSBS reception. But the quality of reception during this interval (required to determine new SHO group) may be poor.

Note that the neighbor list messages will indicate whether or not the F-BSCH in the target base station has the same configuration as the current F-BSCH; if not, once MS performs the idle handoff, MS needs to read the overhead messages to determine the new F-BSCH configuration.

It was noted that for inter-BSC SHO, one BSC can act as the Master BSC, similar to currently done for packet data services.

*Appl. No. 60/279,970 – Section 3.9, paragraphs 1-5*

Furthermore, even if there were support in the provisional Leung application for the provisioning of neighboring *sector* information, there is no support in either the published Leung application or in the provisional Leung application that the information corresponds to a first and second *cell*, as claimed. Stated differently, Leung (both the provisional and the published application) only describe transmission of limited information regarding *sector* transmissions, not for differing *cells*, as claimed. Indeed, the provisional application repeatedly distinguishes between sectors and cells at page 30 of the presentation slides entitled “Section 2: cdma2000 Overview” (approximately page 145 of the provisional application), whereas the neighbor

information described in section 3.9 is only with respect to different sectors. The relevant portion of page 145 is reproduced below:

- **Pilot Channel**
  - Transmitted Constantly
  - Allows Mobile to Acquire the System
  - Provides Mobile with Signal Strength for Comparison
  - Has Unique PN Offset ( $2^{16}$ ) for each Cell or Sector

With regards to any given cell, the Leung provisional application is clear that broadcast messages carry cell-specific overhead messages:

- Forward Broadcast Channel (F-BCH)**

  - **F-BCH is broadcast over the entire cell and carries cell specific overhead messages previously transmitted on the Paging Channel**
    - **IS-95 Overhead messages**
      - » Systems Parameters Message
      - » Extended Systems Parameters Message
      - » Extended Neighbor List Message
      - » General Neighbor List Message
      - » CDMA Channel List Message
      - » Extended Access Parameters Message
      - » Global Service Redirection Message

Provisional Leung Application, p. 221. The fleeting reference to a “Neighbor List” does not provide any support for what, if anything, is included within the neighbor list. Leung is therefore deficient for this additional reason, i.e., even if Leung does describe transmission of information for neighbors, it does so only with respect to neighboring sectors, and not with respect to a first and second *cell*, as claimed.

Lastly, even if Leung were interpreted as providing information in a first cell for a plurality of cells comprising the first and second cells (which Appellant does not concede), there is still no teaching or suggestion that such information is multicast session information, as claimed. Even if Leung were interpreted to disclose transmission of the *identities* of other base stations in a SHO group (see Appl. No. 60/279,970 – Section 3.9, paragraph 2, above) as information for a plurality of cells as claimed, the identities of other base states are not the same as the claimed multicast session information. That is, the identity of a base station is not information about any specific multicast session. The claims are therefore allowable over Leung for this additional reason.

Even further, claim 34 recites that “the session announcement comprising information that maps link-level access parameters in each of a plurality of cells to the multicast session,” which is not taught or suggested by the Leung provisional application.

*The Leung provisional application does not teach or suggest a plurality of link-level access parameters.*

Various claims, e.g., claim 9, 18, 29 34, 43, recite “the multicast session information comprises link-level access parameters corresponding to the first and second cells” (claim 9) or a similar feature reciting link-level access parameters. However, the Leung provisional application does not teach or suggest a plurality of link level access parameters, as claimed. Leung merely describes that a base station identity may be provided:

The overhead message transmitted in each sector will list the identities of BS that are part of the SHO group. By SHO group, we mean all BS transmitting the information synchronously. An MS may soft
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*Appl. No. 60/279,970 – Section 3.9, paragraph 2*

Leung’s base station identity, even if considered a link-level access parameter (which it is not, as would be understood by someone of ordinary skill in the art), is not the same as the claimed *plurality* of link-level access parameters that make up multicast session information for each of a plurality of cells. The recited claims are further allowable for this additional reason.

*Leung is deficient with respect to the dependent claims*

Leung is further deficient with respect to various dependent claims. For example, claims 2, 13, 24 and 38 each recite that “the multicast session information comprises a session identifier and a list of cells in which the multicast session is available,” which is not taught or suggested by Leung. As discussed above, at best (but not conceded), the Leung provisional application provides support only for identifying neighboring base stations, which is not the same as the claimed session identifier and a list of cells in which the multicast session is available.

With respect to claims 3, 14, 25 & 39 and 4, 15, 26 & 40 the Leung provisional application does not teach or suggest that multicast session information comprises a frequency or session title, respectively.

All claims are therefore allowable over the cited references.

**CONCLUSION**

All issues having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

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